

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 22-6645 FMO (GJSx)	Date	October 13, 2022
Title	Kenneth Jamaca v. American Express, et al.		

Present: The Honorable	<u>Fernando M. Olguin, United States District Judge</u>	
Gabriela Garcia	<u>None</u>	
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorney Present for Plaintiff(s):		Attorney Present for Defendant(s):
None Present		None Present

Proceedings: (In Chambers) Order to Show Cause Re: Venue

On September 16, 2022, plaintiff Kenneth Jamaca (“plaintiff”) filed a complaint against defendants American Express, Transunion, LLC, Equifax Information Services, LLC (“Equifax”), and Experian Information Solutions, Inc. (collectively, “defendants”) alleging violations of federal and state consumer protection laws. (See Dkt. 1, Complaint).

Although plaintiff contends that venue is proper in this District, (see Dkt. 1, Complaint at ¶ 7), he does not allege any facts showing that the events giving rise to this litigation occurred in this district, nor does he allege where any of the defendants reside.¹ (See, generally, id.); 28 U.S.C. § 1391(b). Plaintiff himself is a resident of Sacramento County, California. (See Dkt. 1, Complaint at ¶ 2). Indeed, it appears that the action’s only connection to this District is that plaintiff’s attorney is based in Los Angeles. (See Dkt. 1, Complaint at p. 1, 12).

Based on the foregoing, IT IS ORDERED THAT:

1. Plaintiff shall file a First Amended Complaint no later than **October 27, 2022**, that addresses the issues referenced above.
2. The First Amended Complaint must be labeled “First Amended Complaint,” filed in compliance with Local Rule 3-2, and contain the case number assigned to the case. In addition, plaintiff is informed that the court cannot refer to a prior pleading in order to make his First Amended Complaint complete. Local Rule 15-2 requires that an amended pleading be complete in and of itself without reference to any prior pleading. This is because, as a general rule, an amended pleading supersedes the original pleading. See Ramirez v. Cnty. of San Bernardino, 806 F.3d 1002, 1008 (9th Cir. 2015) (“It is well-established in our circuit that an amended complaint supersedes the original, the latter being treated thereafter as non-existent. In other

¹ Equifax denies that venue is proper in this district in its Answer. (See Dkt. 12, Equifax Answer at 4).

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words, ‘the original pleading no longer performs any function[.]’”) (citations and internal quotation marks omitted).

3. Plaintiff is cautioned that failure to timely file a First Amended Complaint shall result in this action being dismissed without prejudice for failure to prosecute and failure to comply with a court order. See Fed. R. Civ. P. 41; Link v. Wabash R.R. Co., 370 U.S. 626, 629-30, 82 S.Ct. 1386, 1388 (1962); Ferdik v. Bonzelet, 963 F.2d 1258, 1260-63 (9th Cir. 1992) (affirming dismissal for failure to file amended complaint as ordered by district court); Costlow v. Weeks, 790 F.2d 1486, 1488 (9th Cir. 1986) (explaining that when a case lays venue in the wrong district, 28 U.S.C. § 1406(a) “requires a transfer, however, only in cases where it is in ‘the interest of justice.’”).

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